

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

ANTONE SILVA,

*Plaintiff*

v.

STATE OF RHODE ISLAND, TOWN OF TIVERTON,

PATRICK W. JONES, Individually and as

Chief of Police for the Tiverton Police Department,

SERGEANT MICHAEL BARBOZA, Town of Tiverton

Police Officer, Individually and in his official capacity,

*Defendants*

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C.A. No. 1:19-cv-00429-WES-LDA

**PLAINTIFF'S MOTION TO ALLOW INTO EVIDENCE PLAINTIFF'S MOST  
RECENT ARREST ON MARCH 7, 2022**

Now comes the Plaintiff Antone Silva and requests this Honorable Court allow into evidence Plaintiff's most recent arrest by the Tiverton Police Department on March 7, 2022.

As reasons therefore, Plaintiff states that he was again arrested by the Tiverton Police Department at his home located at 185 Stafford Road, Tiverton, Rhode Island on March 7, 2022 as a result of a complaint filed by the Tiverton Police Department for lighting firecrackers on July 4, 2021.

The Plaintiff was originally charged with a misdemeanor and appeared in District Court, however, the matter was increased to a felony and removed to the Newport Superior Court because the Defendant Officer Joshua Pelletier increased the charge to a felony. (See **Exhibit 1**) Notice of the Superior Court arraignment date was improperly sent to the Plaintiff's old address at 45 Ash Avenue, Tiverton, Rhode Island who has not resided at that address for more than 5 years. (See **Exhibit 2**) The complaint lists the Plaintiff at his address of 185 Stafford Road, Tiverton, Rhode Island. (See **Exhibit 3**) The Tiverton Police knew his correct address at which they appeared on numerous times.

As such, the Plaintiff did not receive notice of his hearing date scheduled for February 17, 2022. The mail came back as “return to sender not deliverable as addressed unable to forward.” (See **Exhibit 4**) Nevertheless no further action was taken by the Tiverton Police Department or the Newport Superior Court to send him notice to his correct address.

As a result, an arrest warrant was issued and the Plaintiff was arrested at his current address at 185 Stafford Road, Tiverton, Rhode Island, at approximately 10:30 p.m. and spent yet another night in jail.

At all times, the Tiverton Police were aware of his correct address and that notice had been improperly sent to the wrong address, rather than simply notifying him or his counsel that arrested him at his Stafford Road address.

Based on the above, the Plaintiff would respectfully request that the Plaintiff be allowed to enter into evidence the most recent arrest on the issue of bias and credibility as it is clear that the Tiverton Police have an utter disregard for the Plaintiff’s constitutional rights, which the jury should be allowed to hear.

Plaintiff, Antone Silva,  
By his Attorneys,  
BRIAN CUNHA & ASSOCIATES, P.C.

*/s/ Brian R. Cunha*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of March, 2022, I caused a copy of the within to be electronically filed and served through the CM/ECF filing system, which is available for electronic downloading and viewing, on all attorneys of record, who are as follows:

Marc DeSisto, Esq.  
DeSisto Law, LLC  
60 Ship Street  
Providence, RI 02903

Justin J. Sullivan, Esq.  
150 South Main Street  
Providence, RI 02903

*/s/ Brian R. Cunha*

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